

CRIMINAL CAUSE FOR SENTENCING

BEFORE: SEYBERT, J.

DATE: 12- 7-2004 TIME: 11:30

DOCKET NUMBER: CR 02-1344

TITLE: USA-V-

DEFT NAME: MICHAEL FOX

DEFT: #

X PRESENT        NOT PRESENT        IN CUSTODY X ON BAIL

GINO JOSH SINGER;

ATTY FOR DEFT: MICHAEL MACKLOWITZ

C.J.A.

X PRESENT

       NOT PRESENT

X RETAINED

A.U.S.A.: MARK LESKO; RICHARD LUNGER DEPUTY CLERK: C. BARAN

U.S.P.O.: A. JINGELESKI

REPORTER: S. DREXLER

X CASE CALLED FOR SENTENCE. COUNSEL FOR ALL SIDES PRESENT.

X STATEMENTS OF DEFT AND COUNSEL HEARD.

X DEFENDANT OBJECTIONS TO THE PSR ARE NOTED.

X RULINGS RE: GUIDELINES ARE ENTERED ON THE RECORD.

       PSR ADOPTED.

X PSR ADOPTED, AS AMENDED.

       GUIDELINES ARE ADOPTED.

X GUIDELINES ADOPTED, AS AMENDED.

X THE DEFENDANT IS SENTENCED AS FOLLOWS:

X THE DEFENDANT IS SENTENCED TO A PERIOD OF IMPRISONMENT OF 12 MONTHS AND 1 DAY ON COUNTS 1, 2 (CONCURRENT), TO BE FOLLOWED BY A PERIOD OF SUPERVISED RELEASE OF 3 YEARS ON COUNT 1 AND 5 YEARS ON COUNT 2 (CONCURRENT).

X SPECIAL CONDITIONS OF SUPERVISED RELEASE:

X THE DEFENDANT SHALL NOT POSSESS A FIREARM.

X OTHER: THE DEFENDANT SHALL MAKE FULL FINANCIAL DISCLOSURE TO THE PROBATION DEPT. AND PAY RESTITUTION OF \$46,305,239.00.

THE DEFENDANT SHALL ADHERE TO TERMS OF FINAL ORDER OF FORFEITURE.

\_\_\_ THE DEFENDANT SHALL BE FINED THE SUM OF \$ .

X THE FINE SHALL BE WAIVED DUE TO THE DEFENDANT'S INABILITY TO PAY SUCH A FINE.

X SPECIAL ASSESSMENT OF \$ 100 IS IMPOSED ON EACH COUNT FOR A TOTAL ASSESSMENT OF 200.00 .

X THE DEFENDANT'S MOTION FOR A DOWNWARD DEPARTURE OF THE GUIDELINES IS HEREBY: GRANTED.

X DECISION ENTERED ON THE RECORD.

\_\_\_ ON MOTION OF THE AUSA THE REMAINING COUNTS OF THE INDICTMENT AND/OR SUPERSEDING INDICTMENT ARE HEREBY DISMISSED.

X THE DEFENDANT IS ADVISED OF HIS RIGHT TO APPEAL.

\_\_\_ OTHER :

THE DEFENDANT \_\_\_ REMAINS IN CUSTODY. X REMAINS ON BAIL.  
\_\_\_ IS REMANDED.  
X SHALL SURRENDER ON 7-25-2005.